HC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KNA DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Alberto ALVAREZ-Bravo,** Defendant	Magistrate Docket No. '08 MJ 2110 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **July 10, 2008** within the Southern District of California, defendant, **Alberto ALVAREZ-Bravo,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **JULY, 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

HC

CONTINUATION OF COMPLAINT:
Alberto ALVAREZ-Bravo

PROBABLE CAUSE STATEMENT

On July 10, 2008, , Border Patrol Agent B. Holmes was performing assigned Border Patrol duties in the Pine Valley Border Patrol Station area of operations. At approximately 4:00 a.m., Agent Holmes responded to a sensor activation in area approximately 15 miles east of the Tecate, California Port of Entry and approximately 15 miles north of the United States/Mexico International Boundary.

Upon arrival in the area, Agent Holmes encountered five individuals attempting to hide in some dense brush. Agent Holmes identified himself as a Border Patrol Agent and questioned each individual as to their citizenship and immigration status. All five, including one later identified as the defendant **Alberto ALVAREZ-Bravo**, admitted to being a citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain legally. At approximately 7:04 a.m., all five were placed under arrest and transported to the Pine Valley Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 12, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

James Trombley
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

7/11/08
Date/Time